

1 HONORABLE MARC BARRECA

2 HEARING DATE: WEDNESDAY, JULY 31, 2019
3 HEARING TIME: 10:00 A.M.
4 HEARING PLACE: EVERETT STATION

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9 UNITED STATES BANKRUPTCY COURT
10 WESTERN DISTRICT OF WASHINGTON

11 In re

12 JESSLYN RENEE ANDERSON,

13 Debtor.

14 No. 17-15492

15 REPLY IN SUPPORT OF AMENDED
16 OBJECTION TO DEBTOR'S
17 HOMESTEAD EXEMPTION

18 Michael P. Klein, Chapter 7 Trustee in this case (the “**Trustee**”), through his attorneys Bush
19 Kornfeld LLP, replies in support of his objection to the Debtor’s homestead exemption (the
20 “**Objection**”) and states:

21 In her response to the Objection (the “**Response**”), the Debtor cites *White v. Stamp*, 266 U.S.
22 310, 313 (1924) for the proposition that the “snap-shot” rule only examines the exact facts in place on
23 the petition date of a bankruptcy filing. Since *White*, there have been dozens of reported cases
nationwide and controlling case law decided by the Ninth Circuit that demonstrate that snap-shot rule
is neither clear nor do the facts on the petition date end the inquiry. In the Ninth Circuit, courts are

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1 directed to consider the “entire state law applicable on the date of filing” when determining an
2 exemption. *In re Jacobsen*, 676 F.3d 1193, 1199 (9th Cir. 2012).¹ For this case, that law is the
3 Washington State homestead exemption.

4 In this matter, the Debtor did not intend to reside in the Brown Property and moved out no
5 later than ten days after the Petition Date.² Upon vacating the Brown Property, the Debtor did not file
6 a declaration of non-abandonment, as she was required to do by Washington law. Wash. Rev. Code
7 § 6.13.050.³ Therefore, the Debtor has no exemption in the Brown Property. This result follows the
8 legislative intent behind homestead exemptions: the Washington State legislature protected primary
9 residences under certain conditions and not under others. To preclude the operation of the statute, in
10 favor of debtors or creditors, would be to thwart the will of the legislature. Instead, application of the
11 statute gives homeowners the protections that the state of Washington intended to provide.

12 DATED this 26th day of July, 2019.

13 BUSH KORNFELD LLP

14 By /s/ Thomas A. Buford
15 Thomas A. Buford, WSBA #52969
16 Attorneys for Trustee Michael P. Klein

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20 ¹ The Debtor asserts that *Jacobsen* is inapplicable because it interpreted a similar yet distinct portion of
a homestead provision. Nothing in *Jacobsen* supports such a restriction and, instead, *Jacobsen* analyzes a
21 directly analogous situation. If it is not controlling, the case is very instructive in this matter.
22

23 ² The Debtor presented no evidence in support of the Response and did not challenge any of the facts
asserted by the Trustee.
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25 ³ Even if the Debtor did not, she did not return not the property by a date certain, as required by the
statute.
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